

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATTIANN MERRIFIELD,

Plaintiff,

v.

LOCK HAVEN UNIVERSITY OF
PENNSYLVANIA and DEANA HILL,

Defendants.

No. 4:17-CV-01542

(Judge Brann)

ORDER

JULY 2, 2018

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Plaintiff's Motion to Certify Class, ECF NO. 21, is **DENIED
WITHOUT PREJUDICE**. If this case does not resolve in mediation, Plaintiff may move for class certification again after the completion of discovery.
2. Defendants' Motion to Dismiss, ECF No. 37, is **GRANTED IN PART
and DENIED IN PART** as follows:

- a. The motion is **GRANTED** as to Count I of Plaintiff's Amended Complaint, ECF No. 34, and that Count is **DISMISSED WITH PREJUDICE**;
 - b. The motion is **GRANTED** as to the claims in Counts II, III, V, and VI against Lock Haven and against Deana Hill in her official capacity, and those claims are **DISMISSED WITHOUT PREJUDICE**;
 - c. The motion is **DENIED** as to the claim in Count II against Deana Hill in her personal capacity;
 - d. The motion is **GRANTED** as to the requests for delay damages in Counts I, II, III, V, and VI, and those requests are **STRICKEN**.
3. Defendants' Motion for an Extension of Time is **GRANTED** as follows:
- a. The parties **SHALL PARTICIPATE** in mediation as previously ordered by this Court, ECF No. 20;
 - b. Such mediation **SHALL BE COMPLETED** by October 30, 2018;
 - c. If mediation is unsuccessful, the following deadlines replace those outlined in this Court's previous scheduling orders:
 - i. Discovery deadline: January 28, 2019;
 - ii. Dispositive motions due April 2, 2019;
 - iii. Plaintiff's expert report due July 5, 2019;

- iv. Defendants' expert report due August 6, 2019;
- v. Supplemental/rebuttal expert reports due August 20, 2019;
- vi. Expert discovery deadline: October 18, 2019;
- vii. Motions in limine due September 3, 2019;
- viii. Pretrial memoranda, proposed voir dire questions, and proposed jury instructions due September 17, 2019;
- ix. Final pre-trial conference: September 24, 2019;
- x. Jury selection & trial: November 2019.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge